

the amylase of the claims of Group I. Further, the claims of Group I directed to the amylase and the claims of Group II, directed to a method of making the amylase of Group I should also be examined together.


MPEP 803 recites that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Applicants contend that this is the situation in the present application because when the examiner performs a sequence search, both the amylase and the DNA encoding this amylase will be located simultaneously. Likewise, the search of the claims amylase will locate the claimed method of making the claimed amylase.

Applicants respectfully request that the Examiner reconsider his position regarding this restriction requirement and examine the claims of Groups I, II and VI as one invention for the reasons set forth above. In the very least, the Examiner should reconsider examining the claims of Group I with either the claims of Group II or Group VI. It is believed that the alleged separate inventions are related and should be examined as one invention.

Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims. Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

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Date


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<p>THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY DEFICIENCY OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 19-0741.</p>
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